UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/48/118
19 March 1993

ORIGINAL: ENGLISH

Forty-eighth session
Items 38 and 108 of the preliminary list*

POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Letter dated 18 March 1993 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a message from the South African Minister of Foreign Affairs, Mr. R. F. Botha, on the occasion of the International Day for the Elimination of Racial Discrimination to be held on 22 March 1993 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly under items 38 and 108 of the preliminary list.

(Signed) V. R. W. STEWARD
Ambassador
Permanent Representative

* A/48/50.

ANNEX

Message from the Minister for Foreign Affairs of South Africa on the occasion of the International Day for the Elimination of Racial Discrimination

The South African Government wishes, once again, to express its solidarity with the objectives of the International Day for the Elimination of Racial Discrimination.

In my statement last year, I elaborated on the Declaration of Intent adopted on 21 December 1991 by the South African Government delegation and 16 other participants in the Convention for a Democratic South Africa (CODESA). In accordance with the Declaration, the Government committed itself to the objective of bringing about an undivided South Africa pursuing freedom, equality and security for all - irrespective of race, colour, sex or creed; a country free from apartheid and other forms of discrimination and domination.

The South African Government remains fully committed to this objective.

The Government's political will and determination is demonstrated by its persistent efforts, despite setbacks which caused a hiatus in negotiations during the latter part of last year, to revive the multiparty negotiation process.

I am pleased to announce that the negotiating process is now back on track. As you are aware, a Multiparty Planning Conference, aimed at securing consensus on the resumption of full-scale, multiparty constitutional negotiations, was held at Kempton Park, South Africa on 5 and 6 March 1993. The Multiparty Planning Conference, attended by 26 delegations representing the full spectrum of political parties and organizations in South Africa, adopted on 6 March 1993 a resolution in accordance with which:

- The participants committed themselves, individually and collectively, to the resumption of multiparty constitutional negotiations within the next month; and

- It was agreed that the multiparty forum shall be reconvened, as a matter of national urgency, not later than 5 April 1993.

The text of the resolution, adopted unanimously, with the exception of the Conservative Party, is attached.

The significance of this development is twofold:

- Political parties and movements, which did not previously participate in the Convention for a Democratic South Africa (CODESA), attended the Multiparty Planning Conference, thus ensuring that the principle of inclusiveness, basic to the negotiation process, is promoted.

- The decision to resume multiparty negotiations by 5 April 1993 is in step with the timetable for the transitional process announced by

State President de Klerk on 26 November 1992, which envisaged the resumption of the multiparty forum by the end of March 1993.

According to the timetable for the transitional process to which the Government has publicly committed itself, the following target dates are envisaged:

- Multilateral agreements on a Transitional Constitution, including constitution-making procedures, constitutional principles and regional governments, the Transitional Executive Council and an Election Commission be concluded before the end of May 1993.

- The Transitional Executive Council and Election Commission to be instituted before the end of June 1993.

- The transitional constitution, providing for a constitution-making body, be enacted before the end of September 1993.

- Election rules and regulations be formulated and promulgated before the end of October 1993.

- Elections for a Constituent Assembly/Constitution-Making Body be conducted not later than April 1994.

PROPOSED CHARTER OF FUNDAMENTAL RIGHTS

The South African Government on 2 February 1993 published proposals on a Charter of Fundamental Rights.

The proposals were published to stimulate the debate on human rights and to serve as a basis for negotiations on the contents of a bill of rights. Through this action the Government has demonstrated that it is committed to a new constitutional order in which the rights of the citizen are protected against the arbitrary and discriminatory abuse of political power.

The Government believes that a Charter of Fundamental Rights must be one of the most important elements of the new constitutional system. The provisions of the draft Charter are the Government's proposals of what should be contained in a comprehensive Charter of Fundamental Rights. It should not, however, be seen as the Government's final proposals.

The Government strongly believes that a negotiated charter of fundamental rights must already be in place during the transitional phase.

Of particular interest to this forum are the following provisions:

- The State shall in its legislative, executive and judicial acts respect and protect the human dignity of every person.

- All persons shall be equal before the law and entitled to equal protection by the law.

- No person shall be favoured or prejudiced solely by reason of race, colour, language, sex, religion, ethnic origin, social class, birth, political or other convictions, or disabilities or other natural characteristics.

INTERNATIONAL INSTRUMENTS

To further strengthen the move towards the observance of human rights and the ending of discrimination in South Africa, the South African Government signed, or acceded, to the following international instruments on 29 January 1993:

- Convention on the Elimination of All Forms of Discrimination against Women;
- Convention on the Political Rights of Women;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages;
- Convention on the Nationality of Married Women;
- Convention on the Rights of the Child.

GENDER DISCRIMINATION: WOMEN'S RIGHTS

With a view to enacting the international instruments on women into South African law, the Government recently published draft legislation for the protection of the rights of women, thereby inviting public comment.

The three draft Bills are:

- The Prevention of Domestic Violence Draft Bill;
- The Abolition of Discrimination Against Women Draft Bill; and
- The Promotion of Equal Opportunities Draft Bill.

In the light of the recent release of the Government's proposed Charter of Fundamental Rights, which also contains provisions on women's rights, these draft Bills will serve to further stimulate debate on gender issues at grass-roots level. The debate will serve to pave the way for the enactment of legislation on these important issues.

Appendix

Resolution on the need for the resumption/commencement of multiparty negotiations

We, the parties, organizations and administrations assembled in this the Multiparty Planning Conference:

AWARE of the responsibility we individually and collectively bear for the well-being of our country;

BELIEVING that the problems of our country should be resolved peacefully through a process of negotiation;

REALIZING the urgent need for the economic development of the country;

AGREEING that the resources of the country need to be preserved, developed and improved for the benefit of all the people of this country and for future generations;

ACCEPTING that all the people of this country and the whole community of nations throughout the world look to us to move the country forward towards a non-racial, non-sexist and fully democratic future;

NOW RESOLVE TO:

1. Commit ourselves, individually and collectively, to the resumption/commencement of multiparty negotiations within the next month, in order to move as speedily as possible towards the attainment of our primary objective, which is the drafting and adoption of a new Constitution for South Africa;

AND FURTHER RESOLVES THAT:

2. The multiparty forum shall be reconvened as a matter of national urgency, not later than 5 April 1993;

3. Each participating organization will send two delegates and two advisers;

4. The first meeting will determine:

   4.1 mechanisms and procedures (including chairmanship);

   4.2 how to accommodate the views of those participants who were not in CODESA in relation to the agreements reached in CODESA;

   4.3 how these agreements can serve as a constructive foundation for the resumed negotiations process to build on;

   4.4 how this forum shall be structured and named;

4.5 the role of the international community;

5. The Facilitating Committee of this conference will have the responsibility of deciding upon and implementing the steps that are necessary to give effect to this resolution;

6. All participants are required to make an unqualified commitment to this process as a prerequisite for their participation.